

Conditions for Approved Training Providers Delivering Health and Safety Representatives Training in NSW under the *Work Health and Safety Act 2011*

Effective from 1 October 2022

Disclaimer

This publication may contain information about the regulation and enforcement of work health and safety legislation in NSW. It may include some of your obligations under some of the legislation that SafeWork NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website www.legislation.nsw.gov.au

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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Introduction

The *Work Health and Safety Act 2011* (WHS Act) provides entitlements for health and safety representatives (HSRs) and deputy HSRs to attend SafeWork NSW approved training courses. These courses include a five-day course of initial training in work health and safety for new HSRs and a one-day refresher training course in line with their entitlements under section 72 of the WHS Act.

The SafeWork NSW HSR training courses are delivered in NSW by SafeWork NSW approved training providers (ATPs). To assist in these arrangements there are two options for approval:

- Option 1 – use of the SafeWork NSW approved course materials.

SafeWork NSW have developed and approved a standard five-day HSR initial training course and a one-day HSR refresher course for delivery in NSW by its approved training providers.

- Option 2 – development of own course material for SafeWork NSW approval.

Applicants may submit their own course for approval rather than use the standard SafeWork NSW courses.

How to become an approved provider of health and safety representative training using SafeWork NSW course materials (catalogue no. SW08081) and *How to submit a course to become a SafeWork NSW approved provider of health and safety representative training* (catalogue no. SW08083) can be found at www.safework.nsw.gov.au.

These conditions are provided to ensure the structured administration by ATPs for the delivery of all approved HSR training courses and contain a step-by-step process for complying with these conditions. Non-compliance with these conditions may lead to the suspension and/ or cancellation of a training provider's approval. In addition to the conditions, ATPs will need to refer to the:

- NSW Work Health and Safety legislation.
- Advertising specifications for training providers delivering SafeWork NSW approved HSR training courses (advertising specifications) as detailed in part 2.5.
- SafeWork NSW HSR training course manuals and guides.

These approval conditions becomes effective on 1 October 2022.

Additional copies of this document are available at www.safework.nsw.gov.au

Glossary of terms

Term	Meaning
Adverse comments	Comments that are detrimental or harmful to the overall aims of SafeWork NSW.
Advertising specifications	ATP specifications for appropriate terminology in advertising the delivery of SafeWork NSW approved HSR training courses. Compliance with these specifications is required under the conditions of approval.
Approved training provider (ATP)	A person or organisation who has been approved by SafeWork NSW to deliver HSR training under the WHS Act.
Certificate	The certificate issued to a participant who successfully completes a SafeWork NSW HSR training course.
Conditions	The mandatory requirements contained within this document with which an ATP must comply.
Course	The entire process from notification of the scheduled training to SafeWork NSW, through to and including issuing certificates to participants.
Ethical behaviour	Conforming to the accepted standards of professional behaviour. Being open, honest and fair in interpersonal and professional relationships. Respecting the dignity and rights of individuals and groups of people. Being accountable for one's actions. Refer to the code of conduct (section 3) for more information.
Facilitator's guide	A guide to assist the nominated trainer of an ATP to present the information provided in the approved HSR training course. The guide also provides sample answers for course activities.
Participant	A person attending training in the capacity of a learner.
Regulator	Throughout this document reference to the 'Regulator' means SafeWork NSW.
Suitable venue and appropriate learning environment	A suitable venue and appropriate learning environment may include the provision of: <ul style="list-style-type: none">a. adequate lighting and ventilationb. suitable chairs and tables for each participant to undertake administrative functions and course activitiesc. an environment free of external noised. a venue suitable for learning activities.e. The training must not be delivered at a trainer's private residence unless it is free of domestic activities and is separated from the trainer's personal living area.
Topic completion certificate	The statement issued to a participant who completes part, but not all, of an approved HSR training course.
Training evaluation form	The form used to capture and record a participant's comments to determine if the training has achieved its objectives.
Training records	All records and forms associated with the delivery of SafeWork NSW HSR training courses that must be kept by the ATP, as specified in these conditions.
Training, Accreditation & Compliance Services (TACS)	Training, Accreditation & Compliance Services is responsible for the management of approved HSR training providers.
Verification	The processes used to verify compliance with these conditions, the advertising specifications and the SafeWork NSW approved HSR training courses.

1. Principal conditions of approval

All SafeWork NSW (Regulator) approvals to deliver HSR training courses in NSW are for a fixed period, as stated in an approval document.

Within these conditions, the term 'approved training provider' or 'ATP' includes individual trainers, registered training organisations and other training organisations who are approved by the Regulator to deliver the SafeWork NSW HSR training courses.

All ATPs must comply with the following conditions:

- a. Comply with all work health and safety, injury management and workers compensation legislation.
- b. Comply with all requirements specified in this document.
- c. Comply with the advertising specifications for approved training providers delivering SafeWork NSW HSR training courses as detailed in part 2.5.
- d. Not sub-contract or on-sell the approval to deliver the training or training course materials to a person or organisation.
- e. Notify and gain approval from the Regulator for all nominated trainers prior to them delivering SafeWork NSW HSR training courses.
- f. Notify the Regulator in writing within 14 days of any nominated trainer who is no longer authorised by the ATP to deliver SafeWork NSW HSR training.
- g. Notify any change in address and/or contact details, in writing, to TACS within 14 days.
- h. Ensure all delivery of SafeWork NSW HSR training courses is undertaken using face-to-face delivery techniques.
- i. Ensure the continuing development and currency of knowledge of trainers in work health and safety and trainer competencies.
- j. Attend any compulsory briefings, orientation programs or assessment programs as notified by the Regulator.
- k. Cooperate with all reasonable requests from the Regulator in connection with their approval.
- l. Maintain ethical and professional conduct in connection with the advertising and delivery of training at all times.
- m. Protect copyright of the SafeWork NSW HSR training course materials, guides and other SafeWork NSW publications.
- n. Comply with any additional specific conditions in relation to SafeWork NSW approval. Any specific conditions will be notified to the ATP in writing.
- o. Immediately advise the Regulator, in writing, of any court conviction in Australia for a work health and safety offence.
- p. Immediately advise the Regulator, in writing, of any enforceable undertaking which has been entered into with a work health and safety regulator.
- q. Immediately advise the Regulator of any criminal offence, or if their approval as a work health and safety training provider in any Australian state or territory is cancelled or suspended.
- r. Immediately report to the Regulator any breach of these conditions of which they become aware.

2. Code of conduct for approved training providers

This code of conduct (the Code) for the delivery of the SafeWork NSW HSR training courses, has been prepared to assist ATPs in achieving an acceptable standard of behaviour and ethical decision-making. The Code has been developed in accordance with the principles of ethical decision-making:

- respect for the law
- respect of the system of government
- respect for the community and other people
- integrity
- diligence
- efficiency
- accountability.

2.1. Ethical and professional behaviour

Public officials

Ethical behaviour means that ATPs are fair and honest when dealing with HSR training participants. ATPs are viewed as public officials by the community and must act accordingly.

All decisions an ATP makes must show good judgement and be justifiable. ATPs must show professional behaviour at all times during the conduct of their duties.

The code provides guidance to assist ATPs in deciding on the appropriate course of action in a number of specific situations. However, it is not possible for the code to describe all the circumstances that may require the exercise of ethical behaviour.

In difficult situations, ATPs will need to be guided in their actions and decision-making by referring to the principles that underpin the code and by considering the following issues:

- Is the action/decision lawful?
- Is the action/decision consistent with the spirit and intent of the Code and other SafeWork NSW materials?

- Is the action/decision consistent with the spirit and intent of the SafeWork NSW scheme that the ATP is a part of?
- What are the consequences of the action/decision for the public, the Regulator and/or the integrity of the ATP?
- Can the action/decision be justified – to the Regulator or an independent person?

ATPs must take all relevant facts into consideration when making a decision and must not consider irrelevant facts.

Services must be efficiently organised to minimise disruption and avoid unnecessary costs to clients and their workplaces.

All services must be delivered to the performance standards described in these approval requirements and in line with the standards of professionalism expected of ATPs.

Model of public duty

The Independent Commission Against Corruption (ICAC) has developed a model of public duty. ATPs must act in accordance with the model.

Serving the public interest above all else. This is demonstrated by:

- Not serving own interests.
- Managing conflicts of interest.
- Acting with integrity through the values below:
 - Honesty
 - obeying the law
 - following the letter and spirit of policies and procedures
 - fully disclosing actual or potential conflicts of interest
 - observing codes of conduct
 - recording reasons for decisions
 - establishing audit trails
 - submitting to scrutiny
 - keeping proper, accessible records

- Objectivity
 - being fair to all
 - considering only relevant matters
 - being fully informed
 - dispassionately assessing without fear, favour or deference
 - giving reasons for decisions, where appropriate
 - revealing all appeal avenues available
 - giving all relevant information
 - communicating with clarity and sensitivity
 - reporting and dealing with suspected wrongdoing
 - acting ethically above loyalty to colleagues or supervisors.
- Showing leadership. This is demonstrated by:
 - illustrating the worth of these values by example
 - promoting these values to others
 - striving for excellence.

Bribes, gifts and benefits

A bribe is any offer of money, gift, service or a benefit that is offered to persuade a person to act other than according to their normal duties.

ATPs must not accept any offer of money, gifts, services or benefits that would cause them to act other than according to the conditions of their approval.

An ATP must inform any person who offers them such money, gifts, services or benefits that it is against the code to make such an offer.

To protect the integrity of ATPs, the Regulator requires that an attempt to bribe an ATP must be reported to the relevant SafeWork NSW business sector.

Competence

ATPs are approved by the Regulator on the basis of the ATP upholding high levels of professional expertise. It is expected that ATPs maintain a high level of competence for themselves and their nominated trainers. The Regulator may revoke the approval of an ATP if there is evidence of deterioration in the ATP's standard of competence.

Conflict of interest

A conflict of interest is a situation where an ATP or their nominated trainer could be influenced (or seen to be influenced) by a personal interest in carrying out their duties.

Sound judgement must be used to avoid conflicts of interest.

Examples of possible conflicts of interest include:

- undertaking services for:
 - friends and relatives
 - businesses in which the ATP, their nominated trainers, friends or family have an interest
 - personal beliefs or attitudes that can influence providing services impartially
 - personal relationships with people the agency is dealing with and/or investigating that go beyond the level of a professional working relationship
 - any financial or other personal interest that could directly or indirectly influence or compromise the ATP or nominated trainer in performing services
- disclosing sensitive or confidential information gained through ATP status with the Regulator to another organisation.

ATPs can contact the Regulator for advice on dealing with conflicts of interest.

Other employment

ATPs must not undertake other employment that may compromise the integrity of services provided on behalf of the Regulator. Other employment can provide opportunities for conflicts of interest, corrupt conduct, and misuse of resources and information.

Drugs and alcohol

The capacity of an ATP to exercise sound judgement must not be impaired by the use of alcohol, drugs or other substances. Services must never be provided under the influence of drugs and alcohol. A breach of this condition will result in immediate cancellation of an ATP's approval.

Discrimination

When performing services, an ATP must comply with NSW anti-discrimination legislation and not discriminate against other people on any grounds covered by anti-discrimination legislation (such as sex, marital status, pregnancy, age, race, ethnic or national origin, disability, sexual preference, sexual harassment, religion or political belief).

Political participation

As members of the community, ATPs have the right to enter into public debate. However, ATPs must ensure that any participation in political matters does not result in conflict with their duties as an ATP. This is important in order to maintain public confidence in the impartiality of the services and decisions of ATPs.

Public comment

As members of the community, all ATPs have the right to take part in public debate on issues of public concern. However, ATPs must be careful that public comments do not appear to be an official comment on behalf of the Regulator or the Government.

If elected or nominated as a spokesperson for a professional or community association, ATPs are entitled to make public comments about relevant issues. In making such statements, ATPs must clearly acknowledge that those comments are made on behalf of that association.

2.2. SafeWork NSW approved training providers

Participation in briefing sessions

From time to time the Regulator may request that ATPs attend briefing sessions designed to advise of changes to any relevant matters. The Regulator will advise if attendance at these events is compulsory.

Dangerous work practices

ATPs must immediately cease an activity if it could lead to the client or other persons being placed in danger or injured. ATPs must advise the Regulator immediately if an activity that they are participating in promotes an unsafe work practice.

Identification as a SafeWork NSW approved training provider

Proof of identity as a SafeWork NSW ATP allows for verification of approval. The ATP's SafeWork NSW approval certificate must be shown to clients and other people who need to confirm that SafeWork NSW has approved the training provider to deliver its HSR training courses.

Collecting SafeWork NSW fees

ATPs must not collect any funds under the auspices of SafeWork NSW. For example, ATPs must not claim that training fees are charged by the Regulator.

2.3. Cooperation with the regulator

False declarations

A SafeWork NSW ATP must not make false or misleading declarations in their dealings with the Regulator or during the performance of their service activities. A declaration may be misleading if information is omitted or presented in a manner that enables a misleading view of a situation to be formed.

This includes:

- failure to comply with reporting requirements
- falsifying records or other documents.

ATPs must not collude with clients or other parties with the intention of providing false or misleading information. ATPs must take all measures to maintain the integrity of the services they provide and their records.

Cooperation

It is a condition of approval of ATPs that they agree to be audited by the Regulator as required. ATPs must cooperate fully with SafeWork NSW officers who are undertaking audit and verification activities. This includes:

- responding honestly to questions
- ensuring availability of records
- cooperating fully with SafeWork NSW officers conducting approval, and verification activities such as information gathering, observation, monitoring, audits and reviews.

At all times, SafeWork NSW staff must be professional, polite and respectful in their dealings with the general public and stakeholders (which includes ATPs and their nominated trainers). In return, ATPs must also be professional, polite and cooperative in their dealings with the Regulator and its staff at all times.

Obstructive and unreasonable behaviour may result in a training provider's approval being denied or revoked, or disciplinary action being instigated.

Notification

The Regulator has a record of each ATP's details. From time-to-time the Regulator will contact ATPs regarding new initiatives, changes to services, documents, material requirements, conditions of approval, changes in legal requirements, etc.

ATPs must advise the Regulator of any events which may compromise, or impact upon, the ATP's ability to deliver the training to an appropriate standard. This includes, but is not limited to: suspension or cancellation of registration by the national or a State Training Authority (for RTOs), an ATP ceasing to offer delivery of the SafeWork NSW HSR training courses; an ATP ceasing business; any other relevant event.

Reporting breaches of the Code

ATPs must report any known or suspected corrupt behaviour or breach of these conditions to TACS. This includes, but is not limited to, any actions by their nominated trainers delivering SafeWork NSW HSR training courses that are either corrupt or would lead to the Code being breached.

Disciplinary action

ATPs play a vital part in delivering services to improve work health and safety in NSW workplaces.

The competence and integrity of ATPs is essential to the success of various SafeWork NSW initiatives.

To ensure that ATPs comply with the conditions of their approval, the Regulator will audit the behaviour and performance of ATPs (against these conditions). This audit process may include, but is not limited to, observation, monitoring, audits and reviews.

The Regulator will also investigate any complaints made against an ATP in relation to their performance or behaviour.

Where a review or investigation by the Regulator reveals a breach that impacts on the conditions of approval of an ATP, the Regulator will take action depending upon the nature and severity of the breach. These actions may include:

- providing educative advice
- issuing a warning letter
- convening a counselling interview
- convening a 'show cause' interview
- reviewing an ATP's approval
- suspending an ATP's approval
- cancelling an ATP's approval
- applying a fine or penalty
- commencing prosecution action.

Criminal proceedings may also be taken where fraud is suspected.

2.4. Compliance with legislation

Health and safety compliance

The Regulator requires that ATPs comply with all work health and safety, injury management and workers compensation legislation. This includes providing workers compensation insurance coverage for all employees and developing safe work practices and procedures.

Copyright

Except as expressly provided in the *Copyright Act 1968* (Copyright Act), no part of SafeWork NSW publications may be reproduced by any means (including electronic, mechanical, microcopying, photocopying, recording or otherwise) without prior written permission from the Regulator.

ATPs need to obtain permission if they intend to use SafeWork NSW publications in any way other than as approved by the relevant SafeWork NSW business sector. For example, an ATP cannot reproduce for sale any guides that have been published by the Regulator.

Confidentiality

ATPs are bound by privacy legislation *Privacy and Personal Information Protection Act 1998*, (PPIP Act) and must treat all information obtained as an ATP as confidential.

This means that information collected must only be used for the purpose for which it was originally collected.

All information related to clients must be kept in a secure manner. ATPs must have a secure storage system for their records.

Information related to clients can only be disclosed to other persons with written authority from the Regulator.

Client information may also be disclosed if law requires the disclosure or when there is reason to believe that the use or disclosure is reasonably necessary for:

- a. Reducing or preventing a serious or imminent threat to an individual's life, health or safety, or preventing a serious threat to public health or safety.
- b. Preventing, detecting, investigating, prosecuting or punishing of criminal offences and other breaches of the law that attracts a penalty.
- c. Protection of public revenue.
- d. Preventing, detecting, investigating or remedying of seriously improper conduct or prescribed conduct.
- e. The preparation or conduct of proceedings before any court or tribunal.

2.5. Advertising specifications for training providers delivering SafeWork NSW approved health and safety representative training courses

The Regulator has provided these advertising specifications to assist ATPs to uphold their conditions of approval.

Part of the conditions involves the responsibility to act honestly, maintain ethical and professional conduct, and to protect the copyright of SafeWork NSW publications, especially when advertising the delivery of training and assessment services.

Advertising of training and SafeWork NSW approval

Use of the terms: approved and nominated

ATPs are approved by the Regulator to deliver specified HSR training courses in NSW. The HSR training courses (both the initial five day and the one day refresher) are also approved by the Regulator.

ATPs may be individual trainers or Registered Training Organisations (RTOs). Approved RTOs must nominate the trainers who will deliver the training on their behalf.

ATPs must ensure that any advertising or publicity they undertake uses the terms approved and nominated correctly.

- ‘Approved’ refers only to the ATP, and SafeWork NSW must be identified as the approving authority. The term cannot be used to refer to partners or to an RTO’s individual trainers and/or assessors.
- ‘Nominated’ refers to the trainers that an approved RTO has nominated to conduct HSR training in NSW.
- The Regulator does not ‘accredit’ trainers or training. It cannot be used in reference to trainers, nor can it be used in reference to the training itself.

General guidance

Any advertising or publicity claiming that an ATP has SafeWork NSW approval must refer to the ATP name exactly as it has been approved and documented on the SafeWork NSW approval certificate.

An ATP must not claim to be SafeWork NSW approved if it is not or while approval is pending.

Advertising and publicity must not be misleading or ambiguous.

Copyright

SafeWork NSW material

Use of SafeWork NSW material is protected by the *Copyright Act 1968* (Copyright Act). It may only be downloaded, displayed, printed or reproduced, without amendment, for personal, in-house or non-commercial use.

Other use of SafeWork NSW material, including alteration, transmission or reproduction for commercial use is permitted only with written permission from the Regulator.

A copyright request application is on www.safework.nsw.gov.au

SafeWork NSW logo

The SafeWork NSW logo is a registered trademark. It must only be reproduced by non-government sites that have written permission from the Regulator.

All inquiries regarding the use of SafeWork NSW material or logo should be directed to the communications group via email to contact@safework.nsw.gov.au

SafeWork NSW website

Written consent is required from the Regulator for an RTO to include links to the Regulator’s website in any advertising and publicity material or any web page associated with RTO Services delivery.

Audit and self-audit

Advertising and promotion material produced by ATPs may be subject to an audit by the Regulator against the advertising guidelines and the conditions of approval. Non-compliance will be regarded as a breach by the ATP and may result in disciplinary action.

ATPs are encouraged to undertake regular self-audit, to ensure that their advertising and promotional material is fully compliant.

Further information

For more information on ATP’s conditions of approval and these advertising specifications visit: www.safework.nsw.gov.au or contact Training, Accreditation & Compliance Services.

Email: tacs@safework.nsw.gov.au

3. Administration conditions

3.1. Summary of administration conditions

The following summary is a quick reference for ATPs. ATPs must refer to the specific guideline and/or the conditions of approval for detailed requirements.

Notification of training	Admin condition(s)
Notification of training	
The ATP is to notify the Regulator of a scheduled course no later than seven days prior to the commencement of training	1
Variation(s) of training	
ATPs must notify the Regulator of all changes to the notification prior to commencement of the training.	2
Before delivering training	
Evidence of identity	
ATPs must ensure that participants provide adequate evidence of identity prior to the training.	6–7
ATPs must sight evidence of participants having completed the five day course of initial training in work health and safety for the one day refresher training course.	8
ATPs must retain records of the evidence collected in a secure records management system.	33(e)
Delivering training	
The course objectives, learning outcomes and delivery requirements specified in the facilitator's guide and course materials must be met.	11–12
The sessions must be delivered in sequence and face-to-face.	18–19
After delivering training	
The ATP is to request participants complete an evaluation form.	22
Participants who complete all sessions will be issued a certificate for the SafeWork NSW HSR training course and a copy of the certificate must be provided to the person conducting the business or undertaking (PCBU) who paid for the training.	23
The certificate number is to be recorded and retained as part of the ATPs secure record management system.	27
Post notification of fully trained HSRs	
The ATP is to ensure that details of participants who complete HSR training are lodged with the Regulator within seven calendar days of completing the training.	30

3.2. Notification of training

1. The ATP is to ensure that all training is notified to the Regulator in line with the following conditions:
 - a. All training is notified to the Regulator via the SafeWork NSW online environment (OLE) at least seven calendar days prior to the commencement of the training. Information on how to notify (schedule) training is detailed in the SafeWork NSW OLE User Guide. You should retain, with your training records, the email acknowledgement from the OLE as evidence of the date and time the training was entered into the OLE.
 - b. ATP's operating under these conditions are approved for delivery in NSW only. Additionally, as training can only be delivered to HSR's in the state, territory or Commonwealth in which the approval has been granted, the training may only be delivered to elected NSW HSR's.

Variations to training

2. The ATP is to ensure that:
 - If there is any variation to the initial notification of scheduled training, you must notify SafeWork NSW via the online environment (OLE) at least 48 hours prior to the training. Information on editing scheduled training is detailed in the OLE user guide. This includes changes to the:
 - scheduled date
 - start time/finish time
 - venue
 - nominate trainer
 - cancellation of training

Note: The Regulator will not accept a variation that reduces the initial notification time period to less than seven days.
3. If the training is varied prior to commencement, including a cancellation on the day of the training, the ATP is to immediately make the change directly in the OLE.
4. All variations and cancellations are to be reflected within the OLE as soon as practicable. A course must not proceed if there is an outstanding exemption against it unless the exemption arises as a result of a variation to training on a weekend or public holiday.

3.3. Before delivering training

5. The maximum number of course participants attending the training is not to exceed 20.

Evidence of identity

6. The ATP must ensure that each participant provides adequate evidence of identity (EOI) prior to the commencement of the training and maintain secure records, in a form that can be easily retrieved on request by the Regulator, of evidence that EOI was provided by each participant. Copies are not to be taken of participant EOI. Records should instead state the type and currency of the evidence sighted by the ATP on the day of training.

The ATP is not to allow any person who cannot provide adequate EOI to undertake the training.

7. Adequate EOI means that the combination of documents provided by the participants must include the participant's name and:
 - photo (for example – current driver's licence, passport)
 - signature (for example – current driver's licence, credit card).

All EOI documentation must:

- be originals (certified documents are not to be accepted)
- be issued by a government body or a financial institution (see note 1 below)
- be in the same name unless accompanied by a document from the NSW Registry of Births, Deaths and Marriages (or state/territory equivalent) verifying the change of name
- include the participant's full name
- be in English, unless accompanied by an English translation issued by a NAATI accredited translator.

Note 1: Credit cards and savings account cards from overseas institutions can only be accepted if the institutions have representation in Australia, and subject to the card or statement being issued in Australia and in English.

Note 2: Special considerations may apply for Aboriginal and Torres Strait Islanders and certain disadvantaged groups. Details of these can be found in appendix 1.

Any enquiries or assistance needed in respect of the EOI requirements are to be made to TACS prior to the delivery of the training.

For health and safety representative refresher training course

8. The ATP is to ensure that as a prerequisite for the HSR refresher training course and prior to the commencement of training, all participants provide proof that they have previously completed the five-day course of initial training in work health and safety. Evidence to be accepted is the original course certificate issued by an ATP.

3.4. Delivering training

9. The ATP must have in their possession a copy of the SafeWork NSW approved HSR training course outline and timetable, the facilitator's guide, presentation with trainer's notes and references, and the participant handouts at the time of the training.
10. The ATP must have in their possession a copy of these conditions at the time of the training.
11. The ATP must ensure that the training is delivered and satisfies the course objectives and learning outcomes in the manner specified in the SafeWork NSW approved HSR training course materials and these conditions.
12. The course content detailed in the approved facilitator guide must be complied with at all times.
13. ATPs may customise the course to meet audience requirements and venues/ opportunities for practical activity within the course.
14. The ATP must provide an official hard copy of the WHS Act to all course participants
15. The ATP is to ensure that a suitable training venue is available that provides for an appropriate learning environment.
16. The ATP must ensure participants receive training that meets their individual needs in line with adult learning principles, including:
 - a. Clearly outlining the learning outcomes.
 - b. Encouraging participation and interaction.
 - c. Ensuring that participants with differing learning needs are given the same opportunity as other participants in gaining skills and knowledge through the training.
 - d. Ensuring that the learning environment is free from harassment and discrimination.
 - e. Ensuring that the audiovisual material (for example – slides) are well organised and easy to follow.
- f. Ensuring enough resources are available for all learners to participate in the activities and discussions.
- g. Providing enough time to complete activities.
- h. Answering questions clearly and correctly.
- i. Providing handouts in colour where appropriate (for example – safety signs, fire extinguishers etc).
- j. Using a variety of delivery methods (for example – lecture, large and small group discussions, videos etc).
- k. Engaging participants in a range of learning activities (for example – group activities, question and answer sessions, brainstorming, case studies etc).
- l. Using clear language to describe concepts.
- m. Summarising the content at the end of each session.
- n. Providing feedback to the learners on their progress throughout the training session.
17. Nominal delivery times have been allocated to each session in the SafeWork NSW HSR training courses.
18. Individual sessions should be delivered in the sequence stated in the facilitators guide.
19. All training must be delivered face-to-face.
20. Appropriate breaks during course delivery should be timed at the discretion of the approved ATP. Two short breaks of 10 to 15 minutes (morning and afternoon tea) and one longer break of 30 minutes (lunch) are recommended. This time is additional to the delivery times indicated for each topic.
21. **For HSR initial five-day training course:** There is no requirement for the training to be delivered in one block. However, training should be commenced and completed within a six-month period. Any variation should be referred to TACS for approval. Where training is completed in more than four weeks, the training should provide opportunities to reinforce and revise previous learning.

3.5. After delivering training

22. The ATP must provide each participant with an evaluation form and request the form be completed and returned. ATPs may use the SafeWork NSW Evaluation Form or their own version if it is appropriate.

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23. Participants who complete all course topics are to be issued a HSR training course certificate of attendance. A copy of the certificate is also to be provided to the person conducting the business or undertaking (PCBU) who paid for the training.
24. All certificates must be in a form approved by the Regulator and must record the date of completion and other particulars, as specified on the template. TACS will provide ATPs with a copy of the template for the production of the certificates.
25. Where more than one ATP is involved in delivering the training, all trainers are to sign and record their ATP number on the certificate.
26. When producing certificates, the following conditions must be followed:
- ATPs are encouraged to use their own logo on the certificate. The design or appearance of the certificate is flexible and will be determined by ATPs, however, all information that appears on the templates must be included.
 - The session names must appear on the reverse side of the HSR training course certificate as provided on the template.
 - The use of the SafeWork NSW logo on the certificates is prohibited. SafeWork NSW recognition will be apparent through the ATP's approval number that appears on the bottom of the certificates.
 - Each certificate issued must be numbered by the ATP using a unique sequence of numbers.
27. For participants who are issued a certificate, the ATP must keep a record of the unique certificate number in a secure form that can be easily retrieved on request from the Regulator.
28. For HSR initial five-day training course: Participants who complete one or more topics (but not all topics) are to be issued with a 'topic completion certificate' with details of the topics completed. A template for the 'topic completion certificate' will be provided by TACS to ATPs. All 'topic completion certificates' must be in a form approved by the Regulator and must record the topics completed, the date of completion and other particulars as specified on the template.
29. Certificates must be issued within 10 working days of completion of the training

Post notification of fully trained health and safety representatives to SafeWork NSW

30. HSRs who complete the initial five-day training course and any subsequent refresher training are considered to be fully trained under the WHS Act and are able to access their powers to direct that unsafe work cease and to issue provisional improvement notices.

The ATP is to ensure that:

- A post notification of all fully trained HSRs is lodged within seven calendar days via the online environment (OLE)*.
 - You should retain a copy of course notification page as evidence you have lodged the training.
 - For information on how to lodge the training, refer to the OLE User Guide.
31. The ATP must have a mechanism in place to ensure that those who have completed the training are able to be provided with a replacement certificate, if required, on request. Appropriate records are required to be maintained.

3.6. SafeWork NSW forms

32. All forms listed in the relevant Condition can be found on the SafeWork NSW website – search the form name www.safework.nsw.gov.au or email: tacs@safework.nsw.gov.au

3.7. Maintaining training records

33. The ATP is to ensure that the following training records are maintained:
- Course notification – acknowledgement email as evidence of schedule training.
 - Course variation – print course details as evidence of a variation to training
 - Records of training dates and documentary evidence of the dates that each of the participants was in attendance at approved HSR training (for example – attendance sheets).
 - Participant details and the number of participants who complete HSR training courses.
 - Records of participant EOI and evidence of pre-requisite training sighted prior to training commencing.

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- f. Records of certificate numbers issued to participants of approved HSR training.
 - g. Approvals from the Regulator for all exemptions to these conditions.
 - h. Participant evaluation forms.
 - i. Change of mailing address forms and, if applicable, facsimile transmission reports.
 - j. Any other relevant correspondence with the Regulator.
 - k. Any other forms relevant to the delivery of the course.
 - l. Course detail confirmation as evidence the training has been lodged.
34. Training records are to be maintained by the ATP for a minimum of seven years and must be made available to the Regulator on request.
35. An ATP's records in relation to training, including notification and variation confirmation, record of training forms, and applicant details, must be kept in a secure location to prevent loss or damage through theft, fire or flooding or to prevent access that would enable alteration by other persons.
36. An ATP should attempt to make arrangements for a representative to contact TACS in the event the ATP becomes incapacitated or is otherwise not able to advise the Regulator personally that they have ceased training.

4. Verification of compliance

4.1. Verification and investigation processes

To ensure the integrity and quality of the training, the Regulator and its staff may observe and monitor any SafeWork NSW approved training course delivered by an ATP. The Regulator has a systematic auditing process that reviews the conduct of ATPs in the delivery of training to ensure compliance with these conditions, the facilitator guides and course materials, and the advertising specifications.

The Regulator will investigate any allegation made or complaint received against an ATP, including:

- a. inappropriate, discriminatory or corrupt behaviour
- b. inappropriate or discriminatory comments
- c. the quality of the delivery of training
- d. the suitability of venue or learning environment.

As a result of an audit or investigation, the Regulator may contact the ATP requesting further information or assistance. ATPs are required to cooperate with any such request – refusal or hindrance may result in the suspension of the ATP's approval.

4.2. Penalties for non-compliance

The Regulator may impose penalties on an ATP for not complying with these conditions. The level of penalty will be determined by the type, frequency and severity of the breach.

Penalties may include:

- a. corrective action – (for example – formal caution letters, interviews)
- b. suspension of approval
- c. cancellation of approval
- d. prosecution.

Prior to any suspension or cancellation, the Regulator will issue the ATP with written advice of the proposed suspension or cancellation.

The ATP will be given the opportunity to make written representation to the Regulator within 28 days, addressing the issues for the proposed suspension or cancellation. The Regulator will consider the response when making a determination on the original decision.

If an ATP has had their approval suspended or cancelled, it may also result in the suspension or cancellation of other approvals or accreditations held by the ATP as a SafeWork NSW service provider.

New applications for approval as a work health and safety ATP may not be considered for a person who has had any relevant approval or accreditation suspended or cancelled in any state or territory within the previous five years.

4.3. Review process

If the ATP does not agree with the decision by the Regulator to suspend or cancel their approval, they can request an internal review.

If the ATP wishes to apply for an internal review, the appropriate form including any additional information, must be submitted to TACS within 28 days of being notified of the decision to suspend or cancel the ATPs approval.

The application needs to be completed in writing and include an Australian address for the applicant using the online form on the SafeWork NSW website: www.safework.nsw.gov.au/resource-library/list-of-all-forms/html-forms/application-for-internal-review

The ATP will be advised of the outcome in writing.

Appendix 1 – Special considerations for evidence of identity

Aboriginal and Torres Strait Islanders and some persons at risk groups

Special provisions apply to the EOI for persons from an Aboriginal or Torres Strait Islander background and some persons at risk groups.

The EOI must be verified by two persons recognised as authorised referees.

Authorised referees for Aboriginal and Torres Strait Islanders include:

- Chairperson, Secretary or Chief Executive Officer of an incorporated Indigenous organisation (including Land Councils, community councils, housing organisations etc).
- Structured Training and Employment Projects and Related Services (STEPERS) panel member, formerly known as Community Development Employment Project (CDEP) Coordinator.
- School Principal/School Counsellor.
- Minister of Religion.
- Treating Health Professional or Manager in Aboriginal Medical Services or Health Services.
- Centrelink Agent or government employee with at least two years continuous service (state, territory or Commonwealth Government).

The authorised referee is to verify the person's identification by providing a written statement on organisational or company letterhead. The written statement must include:

- The person's full name, current address and date of birth.
- Evidence that the authorised referee has witnessed the person's signature.
- The period of time the authorised referee has known the person and how they know the person (for example – professionally or personally).
- The authorised referee's signature and date.

